

## Article - Real Property

[\[Previous\]](#)[\[Next\]](#)

§8–314.

(a) The defendant in an action of distress may file an answer, setting forth any defense the defendant may have to the action, including excessive rent distrained for or the rent sued is not distrainable.

(b) Hearing on the defendant's answer shall be held on not more than ten days' notice sent by regular mail to all parties and claimants. However, the court may postpone the hearing on due notice to all parties. At the hearing the court may determine and decide all issues raised, and issue an order of sale of the goods and may make any order in connection with them as required.

(c) In any final order for the sale of goods distrained, the court may increase the amount of the rent claim to an amount equal to the sum of the plaintiff's original claim plus rent accruing after the filing of the petition for distress up to the day prior to the date of sale on which rent may fall due.

(d) If the tenant named as defendant in an action for distress fails to file an answer within seven days after a levy has been made, the court, on motion of the plaintiff or on its motion, may issue an order for sale of the goods distrained.

(e) The date of sale is in the discretion of the court but shall be held as soon as feasible.

[\[Previous\]](#)[\[Next\]](#)